

Rothenberg pleads innocent in shooting

FEB 13 1996
FROM STAFF REPORTING

OAKLAND — The man who set his son on fire in 1983 pleaded innocent Friday to an attempted murder charge in connection with a shooting in a downtown Oakland hotel.

It was 55-year-old Charles Rothenberg's third court appearance on the case, and for the first time in court he did not say anything. In his first court appearance, he continually interrupted Oakland Municipal Judge Horace Wheatley. At one point he said he wanted talk show host Geraldo Rivera to represent him.

His second court appearance featured an apology to Wheatley for his outburst.

Rothenberg, who has been living in Oakland since his parole from prison in 1990, is accused of shooting a man in the head after a scuffle in a downtown Oakland hotel Jan. 12. If convicted of attempted murder, Rothenberg could be sent to prison for 70 years.

Rothenberg gained notoriety when he was convicted of attempted murder, arson and other crimes connected to the March 3, 1983, fire at a Buena Park Travelodge that left his son David burned beyond recognition.

Man who set son afire faces 3rd felony charge

FROM STAFF AND WIRE REPORTS

OAKLAND — Charles Rothenberg, convicted of setting his 6-year-old son on fire in 1983 and now charged with trying to kill an Oakland man, appeared in court Friday and said he prefers to go by another name.

At a brief pretrial hearing in Alameda County Superior Court, Rothenberg's attorney, Assistant Public Defender Al Hymer, told a clerk, "This is Charles Bocca sitting next to me."

Outside court, Hymer said Charles Bocca was the name on Rothenberg's birth certificate, even though law enforcement officials have known him as Charles Rothenberg.

He has also been known as Charles David.

Rothenberg, 55, is charged with attempted murder for allegedly shooting 47-year-old Stanford Sha-

piro in the head at the Oakland Travelodge on Jan. 12. No motive for the shooting has been determined.

He has two prior felony convictions, one of them attempted murder for setting his son on fire in Southern California in 1983. He said at the time he tried to kill his son because he feared being permanently separated from the boy by his ex-wife.

Rothenberg is scheduled to return to the court of Judge Carl Morris June 5 to select a trial date and for a discovery hearing. If convicted, he could be sentenced to 70 years in state prison because his case was charged as a three-strikes case.

Rothenberg was paroled to Oakland in 1990 after serving 6½ years in prison for attempting to murder his son.

Son meets father who set him afire

JUN 30 1996

ASSOCIATED PRESS

OAKLAND — David Rothenberg met his jailed father on Friday for the first time since the man doused him with kerosene and set him ablaze 13 years ago.

Charles Rothenberg and his son were separated by protective glass during the 35-minute visit, which was arranged after visiting hours to allow them privacy, Sheriff's Sgt. Jim Knudsen said.

David Rothenberg and his father both requested permission for a visit from Alameda County Sheriff Charles Plummer, and the son flew to Oakland from Los Angeles with a TV reporter, Knudsen said.

Last month, David Rothenberg told the TV magazine "Extra" he wanted to meet his father so that he could get on with his life.

"I really want to confront him," he said. "I need to close a chapter in my life. If I don't, I feel it's holding me back."

In 1983, Rothenberg was sentenced to 13 years for setting his son, then 6, on fire at a Southern California motel. Authorities said tried to kill the boy during a bitter custody dispute with his ex-wife.

Charles Rothenberg settled in Oakland in 1990 after serving less than seven years in the torching, but was arrested again on Jan. 25 in the shooting of a 47-year-old man. Now he's awaiting trial for attempted murder.

Son-torching father has new name, trial

By Ben Fox
STAFF WRITER

OCT 16 1996

OAKLAND — The man who gained notoriety for setting his young son on fire in 1983 was back in court Tuesday with a new name to face a charge of attempted murder for shooting a man.

Shooting case

The criminal history of Charles Rothenberg, who has legally changed his last name to Bocca, will not be raised during his trial for the Jan. 12 shooting of an Oakland man at a downtown hotel.

In fact, a judge has ruled that lawyers and witnesses can't even say the name Rothenberg during the trial, which is expected to last two to three weeks.

"We are trying to do justice here," Deputy District Attorney David Hollister said outside the courtroom.

"The idea is that if you start calling him Rothenberg, the jury is going to think he's got to be guilty."

Set fire to son

Thirteen years ago, Bocca, now 56, set fire to his then 6-year-old son in a hotel room during a trip to Disneyland.

Afterward, he said he meant to kill himself and the boy because his ex-wife, Marie, wouldn't let him see their son anymore.

But Bocca fled as flames swept through the room, causing his son to be severely disfigured.

The father served six years of a 13-year sentence and settled in Oakland after his parole.

Now, he faces a possible sentence of 37 years for the attempted murder of an acquaintance, Sanford Shapiro — a charge Bocca denies.

If Bocca is convicted, the district attorney would be allowed to bring up his past crimes during a sentencing hearing.

In this trial, the district attorney must convince jurors that Bocca, who was working as a waiter at the time, fired a shot from a semi-automatic pistol at Shapiro outside the victim's hotel room.

No witnesses

There are no witnesses to the shooting and the victim recalls little about the incident, both lawyers said during opening arguments.

However, as Shapiro lay bleeding in the hotel corridor, he told police "Charley did this to me," the prosecutor said.

Then six days after the shooting, when Shapiro was recovering at Highland Hospital, he picked Bocca out of a photo lineup "immediately and without hesitation," Hollister said.

But Deputy Public Defender Al Hymer said the victim suffered from amnesia because of the gunshot and his "false memory" resulted in Bocca's identification.

"Mr. Bocca did not shoot anybody," Hymer said.

"He should not be here and we are going to show it to you during this trial."

Ex-con

JAN 25 1996

arrested in motel shooting

Quiet Oakland life after burning son

**By Harry Harris
and Ben Charny**

STAFF WRITERS

OAKLAND — A man who gained nationwide infamy in 1983 for setting his 6-year-old son on fire has been arrested for allegedly shooting a man at a motel across the street from police headquarters, police said Wednesday.

Charles Rothenberg, 55, arrested Tuesday night, denied any involvement in the Jan. 12 shooting and claimed he didn't know the victim, Sgt. Mike Foster said.

"He was very congenial and said he knew we were just doing our job," Foster said. "But he said it wasn't him."

Rothenberg is being held without bail for investigation of attempted murder and being an ex-convict in possession of a gun.

Foster said the shooting victim was unable to talk to police until this week because of his wound. He said he only knew his assailant as "Charlie" and his attacker used to work as a waiter at the diner where the man ate occasionally.

Foster said the 47-year-old man told police that Rothenberg tried to be friends with him on numerous occasions, but that the man was wary because he did not trust Rothenberg.

Besides the shooting at the motel at 7th Street and Broadway, police said Rothenberg is also a suspect in a reported robbery at the motel. A man called police later that day to report being robbed but never made an official police report. Police were trying to locate him Wednesday.

Foster said police have no real motive in the shooting of the motel resident, whose name was not released. The man told police he thought the motive was robbery even though nothing was taken

Please see **Suspect**, A-12

from him.

The man told police Rothenberg confronted him in a hallway outside his third-floor room about 9:30 a.m. Jan. 12. He said Rothenberg chased him and shot him once in the side of the head.

After interviewing the shooting victim this week, Foster and Sgt. Ed Holloman determined the alleged attacker was Rothenberg, who had been working at the restaurant under the name Charles Bocca.

After learning where he lived, police got a search warrant and served it at Rothenberg's downtown apartment Tuesday night and arrested him there. No gun was found, police said.

Rothenberg registered at his current apartment as Bocca, never telling his landlord his true name.

Rothenberg boasted to tenants that he had put up a surveillance

system in his apartment and that he had appeared on the Larry King show, according to those who know him.

Married more than a month ago, Rothenberg now works as a waiter at a San Francisco catering company, according to sources.

Those who dealt with him in the past two years say although he has a "grandiose manner" he didn't want to attract attention to himself. He would pay his rent a month in advance with cashier's checks, or report to work two hours earlier than necessary.

Rothenberg was sentenced in

Capon found in apartment

1983 to 13 years in state prison for pouring kerosene over his son at a Buena Park motel in Southern California and setting him on fire.

The attack left the boy with burns over 90 percent of his body. He tried to kill his son because he feared being permanently separated from the boy by his ex-wife.

He settled in Oakland in January 1990, despite the efforts of elected officials and others who wanted Rothenberg to serve his parole elsewhere. He became an Oakland resident and wore an electronic surveillance bracelet and was under round-the-clock guard.

Convicted child-burner acquitted after shooting trial

By Ben Fox
STAFF WRITER

OCT 31 1996

OAKLAND — The man who gained nationwide notoriety for setting fire to his young son 13 years ago was cleared Wednesday of charges that could have sent him back to prison for perhaps the rest of his life.

Charles Bocca, previously known by the last name Rothenberg, was acquitted by an Alameda County jury after a two-week trial for attempted murder in a shooting last January at a downtown Oakland hotel.

"I don't think any of us were convinced that he didn't do it, but the case certainly was not proved beyond a reasonable doubt," jury foreman Steve

Haberman said after the verdict was read.

The 55-year-old Bocca, who faced the prospect of 37 years in prison, was expected to be released Wednesday night from the Santa Rita Jail.

Deputy District Attorney David Hollister said he was "totally disappointed," but had realized from the start it would be a difficult case because it relied primarily on the eyewitness testimony of a victim who had been shot in the head and remembered little about the incident.

"We had a victim who suffered a horrible injury and never wavered about the identity of his assailant," Hollister said.

Bocca was accused of shooting Sanford Shapiro, a 47-year-old acquaintance, on Jan. 12 at

the Oakland Travelodge on 7th Street and Broadway. His notorious past was never supposed to be brought up during the trial.

But early in the trial a woman juror heard on talk radio that Bocca was Rothenberg, who was paroled to Oakland after serving less than half of a 13-year sentence for badly burning his young son in 1983.

Despite learning this news, the woman told Alameda County Superior Judge Stanley Golde she could remain an impartial juror. She also said she had not found the shooting victim to be a credible witness.

In a decision opposed by the prosecutor, Golde allowed the woman to remain on the jury if she

did not disclose her knowledge to fellow jurors.

After the trial, Haberman said he was "startled" to learn about Bocca's background. Asked if he had heard of Rothenberg, Haberman replied: "Oh sure, he was the guy who burned his son."

The jury foreman said he is not sure if he or the rest of the jurors could have remained objective had they known about Bocca's past.

Haberman said that, in general, jurors believed the shooting victim, who still suffers from memory losses and dizziness from his injury, was not reliable. They also noted a lack of any apparent motive and the fact that prosecutors had no concrete evidence to link Bocca to the crime.